

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BAYWARD STONE,

Plaintiff,

v.

No. 2:17-cv-00518 KG/KRS

GEO GROUP, INC.,
LEO COUNTY CORRECTIONAL FACILITY, AND
R.C. SMITH

Defendants.

ORDER TO CURE

Before the Court is Plaintiff's civil rights complaint (Docs. 1, 3, and 4). The Court determines the filings are deficient, for two reasons. First, the complaint is not on the proper form and is not signed under penalty of perjury. It consists of three handwritten submissions, one of which purports to add defendants. Plaintiff must file one complaint, signed under penalty of perjury, on the Court's official form. The complaint should name all defendants and contain a "short and plain statement" setting forth "all of the legal claims being asserted." *Mann v. Boatright*, 477 F.3d 1140, 1148 (10th Cir. 2007) (citing Fed. Civ. P. R. 8(a)). It will supersede and replace Plaintiff's earlier submissions. Plaintiff is not required to serve notice of the complaint at this stage.

In addition to filing the complaint, Plaintiff must either prepay the \$400 filing fee or file an application to proceed *in forma pauperis*. Such application must include a "certified copy of [his] trust fund account (or institutional equivalent) for ... the 6-month period immediately preceding the filing of the" petition. 28 U.S.C. § 1915(b)(2).

Plaintiff must cure the designated deficiencies within thirty (30) days of entry of this order.

The civil action number (2:17-cv-00518 KG/KRS) should be included on all papers filed in this proceeding. Failure to timely cure the deficiency may result in dismissal of this action without further notice.

Accordingly, it is **ORDERED** that within thirty (30) days from the date of entry of this order, Plaintiff must file a complaint on the proper form and must either prepay the \$400.00 filing fee or file an appropriate motion to proceed *in forma pauperis*, with the six month account statement attached.

It is further **ORDERED** that the Clerk is directed to mail to Petitioner a copy of this order along with two copies of the Court's form Civil Rights Complaint Under 42 U.S.C. § 1983 and the form Application to Proceed in District Court Without Prepaying Fees or Costs Pursuant to 28 U.S.C. § 1915.


UNITED STATES MAGISTRATE JUDGE